

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

ePLUS, INC.,

Plaintiff,

v.

LAWSON SOFTWARE, INC.,

Defendant.

Civil Action
No. 3:09CV620

November 8, 2011

COMPLETE TRANSCRIPT OF STATUS CONFERENCE
BEFORE THE HONORABLE ROBERT E. PAYNE
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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DIANE J. DAFFRON, RPR
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT

EXHIBIT

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1 Mr. Thomasch, in the letters that came my way, which I
2 would rather not have even had, but there were a lot
3 of changes. I think in a political campaign, there
4 may have been some pejorative language attached to
5 them.

6 MR. THOMASCH: Your Honor, we have attempted
7 to eliminate pejorative language, and attempted to try
8 and not have too many letters. And I say that with
9 full recollection that I sent the Court a letter this
10 morning. But I sent the Court a letter to withdraw a
11 motion, a request I previously made. I felt I owed it
12 to the Court to do so.

13 But at any rate, the three changes are not in
14 dispute. The significance of them and whether or not
15 they take the product out of being infringing, that is
16 in dispute, but we know what they are. If Your Honor
17 wants --

18 THE COURT: Just a minute. Mr. Robertson,
19 you know that they're saying that the three changes
20 and the only changes they are ever going to contend
21 were made are in that answer to that interrogatory.
22 Are you willing to accept that as the starting point?

23 MR. ROBERTSON: Yes, Your Honor.

24 THE COURT: Then you have your people do
25 expert reports after they get the documents and look

1 some other company?

2 MR. KREVITT: I believe that's correct, Your
3 Honor, but it is a separate entity.

4 THE COURT: And it's the same entity it was
5 when the proceedings began?

6 MR. KREVITT: Correct, Your Honor.

7 THE COURT: You'll verify that and let us
8 know?

9 MR. KREVITT: Correct, Your Honor.

10 THE COURT: You better tell the federal
11 circuit, too, because somebody is not singing the
12 right song. It's really confusing when this gets up
13 there. I have a feeling this will get up there no
14 matter what happens.

15 MR. KREVITT: We'll see, Your Honor. Thank
16 you very much for your time.

17 THE COURT: Thank you. We'll be in
18 adjournment.

19 I, Diane J. Daffron, certify that the
20 foregoing is a correct transcript from the record of
21 proceedings in the above-entitled matter.

22

/s/

23

DIANE J. DAFFRON, RPR, CCR

DATE

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